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Paper No. 26

KENNETH C. BOOTH
SCHMEISER OLSEN & WATTS LLP
18 EAST UNIVERSITY DRIVE
#101
MESA, AZ 85201

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OCT 23 2003

OFFICE OF PETITIONS

ON PETITION

In re Application of
C. Daniel McClain, et al.
Application No. 09/578,001
Filed: May 24, 2000
Attorney Docket No. ROWL-9955

This is in response to a petition under 37 CFR 1.313(c)(2), filed October 8, 2003 in the above-identified application. Since the original petition was not properly forwarded to the appropriate deciding official in the Office of Petitions, a copy of the petition was provided by facsimile transmission on October 22, 2003. A decision on the petition to withdraw the above-identified application from issue after payment of the issue fee follows.

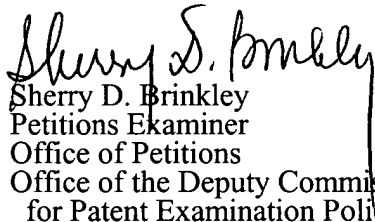
The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 11, 2003, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (703) 305-9220.

After receipt in the Office of Petitions, the application will be forwarded to Technology Center AU 1755 for further processing of the request for continued examination under 37 CFR 1.114.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Paper No. 27

Date : October 23, 2003
TO : Director, Office of Patent Publication
FROM : Office of the Deputy Commissioner
for Patent Examination Policy
SUBJECT : Withdrawal from Issue of

Applicant(s) : C. Daniel McClain, et al.
Application No. : 09/578,001
Filed : May 24, 2000

The above-identified application has been assigned Patent No. 6,638,351 and an issue date of October 28, 2003.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of October 28, 2003:

"All reference to Patent No. 6,638,351 to C. DANIEL MCCLAIN, ET AL. of ARIZONAN for METHOD AND APPARATUS FOR PRODUCING AN AQUEOUS PAINT COMPOSITION FROM A PLURALITY OF PREMIXED COMPOSITIONS appearing in the Official Gazette of October 28, 2003, should be deleted since no patent was granted."

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Geraldine Dozier, Crystal Park 3-441 (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-910 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane K. Davis, P/OCS, CM1-6A07
Tamara K. Greene, PK3-910